

REMARKS

Claims 1-23 are pending in the present application. Claims 1, 2, 4, 12-14 and 19-23 were rejected under 35 U.S.C. §102(b) as being anticipated by Kitajima et al., U.S. Patent No. 5,432,962. Claims 1, 2, 12-14, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Baumann et al., U.S. Patent No. 5,657,158. Claims 5-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitajima in view of Hayasaka, U.S. Patent No. 5,907,432, and also over Kitajima in view of Tandler et al., U.S. Patent No. 6,008,155. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kitajima. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitajima in view of Sato, U.S. Patent No. 5,519,531.

Claim 1 has been amended. Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. §102(b), 103(a)

Claims 1, 2, 4, 12-14 and 19-23 were rejected under 35 U.S.C. §102(b) as being anticipated by Kitajima et al., U.S. Patent No. 5,432,962. Claims 1, 2, 12-14, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Baumann et al., U.S. Patent No. 5,657,158. Claims 5-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitajima in view of Hayasaka, U.S. Patent No. 5,907,432, and also over Kitajima in view of Tandler et al., U.S. Patent No. 6,008,155. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kitajima. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitajima in view of Sato, U.S. Patent No. 5,519,531.

Kitajima describes a microscope having a prism 33 that deflects, toward a porroprism 35 and

toward an observing optical system 20a,b, light coming from an objective 30. See Fig. 1.

Baumann describes a microscope having a deflection prism 1 that deflects, toward a tilt mirror 2 and toward a binocular viewing unit 12, light coming from an objective 7. See Fig. 2.

Independent claim 1 of the present application has now been amended so as to recite a tube for a microscope including a rotatably disposed beam deflecting unit whose rotation is constrainedly coupled to a rotation of the beam deflecting unit, and including a beam deflecting device including a beam splitting device wherein “the beam deflecting device is configured to deflect, in a direction of the beam deflecting unit and away from the operator interface, a light beam coming from the adaptation interface.” Support for the amendment may be found, for example, at paragraph 10, last four lines, of the present specification. It is respectfully submitted that neither Kitajima nor Baumann teaches or suggests such a beam deflecting device configured to deflect the light beam away from the operator interface, as recited in claim 1. In contrast, the prism 33 of Kitajima deflects the light beam toward the observing optical system 20a,b, rather than away from the operator interface, as recited in claim 1. Regarding Baumann, the deflection prism 1 deflects the light beam toward the binocular viewing unit 12 light, rather than away from the operator interface, as recited in claim 1. Because both Kitajima and Baumann are missing at least the above-recited “deflect in a direction of the beam deflecting unit and away from the operator interface” feature of claim 1, neither of these references can anticipate claim 1 or any of its dependent claims, or render any of the dependent claims obvious. Nor do any of Hayasaka, Tandler et al. or Sato teach or suggest the above-recited feature of claim 1. Therefore no combination of Kitajima with any of Hayasaka, Tandler et al. or Sato, to the extent proper, could render any of the claims obvious.

Withdrawal of the rejections of claims 1, 2, 4, 12-14 and 19-23 under 35 U.S.C. §102(b) based on Kitajima, of claims 1, 2, 12-14, 19 and 20 under 35 U.S.C. §102(b) based on Baumann, of claims 5-8 under 35 U.S.C. §103(a) based on either Kitajima in view of Hayasaka or Kitajima in view of Tandler et al., of claim 15 under 35 U.S.C. §103(a) based on Kitajima, and of claims 16-18 under 35 U.S.C. §103(a) based on Kitajima in view of Sato, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,
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Respectfully submitted,

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